

AMENDED IN ASSEMBLY AUGUST 8, 2008

AMENDED IN ASSEMBLY JULY 14, 2008

AMENDED IN ASSEMBLY JULY 2, 2008

AMENDED IN SENATE MAY 23, 2008

AMENDED IN SENATE APRIL 9, 2008

## SENATE BILL

**No. 1298**

---

**Introduced by Senators Simitian and Steinberg**  
**(Coauthors: Senators Padilla, Romero, and Torlakson)**  
(Coauthors: Assembly Members Brownley and Galgiani)

February 20, 2008

---

An act to add Chapter 8 (commencing with Section 10800) to Part 7 of Division 1 of Title 1 of the Education Code, relating to education.

### LEGISLATIVE COUNSEL'S DIGEST

SB 1298, as amended, Simitian. California education information.

Under existing law, the State Department of Education maintains the California Education Information System for the purposes of establishing and maintaining a basic, integrated, statewide information system for education. Existing law also establishes the California Longitudinal Pupil Achievement Data System.

This bill would require the department to establish a process by which local educational agencies issue, maintain, and report information for *center-based child care and development and education* programs using the unique pupil identifiers established pursuant to the California Longitudinal Pupil Achievement Data System. ~~The bill would require the Legislative Analyst's Office to convene a staff working group to, among other things, make recommendations relating to the governance~~

~~of education data and to report the recommendations of the working group to the Legislature by June 1, 2009. The bill would specify that center-based child care and development programs would not be required to implement or maintain unique pupil identifiers until an appropriation for this purpose is provided in the annual Budget Act or another statute. The bill would require the Chancellor's Office of the California Community Colleges, the University of California, and the California State University to establish a process by which colleges and universities within those systems issue, maintain and report information using specified unique statewide pupil identifiers.~~The

The bill would require the State Chief Information Officer to convene a working group to create a strategic plan that, ~~among other things, provides an overall structural design for the education data system,~~ examines the protocols and procedures to be used by state agencies in data processing and to deliver the strategic plan to the Legislature and the Governor on or before September 1, 2009. The bill also would require the State Chief Information Officer to ~~complete a feasibility study report by January 1, 2010~~ form an advisory committee to the working group that includes specified parties. The bill would be applicable to the University of California only if the Regents of the University of California, by resolution, make it applicable.

The bill would require the Commission on Teacher Credentialing, the State Board of Education, and the department to annually provide to the State Chief Information Officer the individual nonpersonally identifiable or aggregate data related to teacher distribution, educator credential status, pupil assessment and accountability, or other pupil academic and achievement data, including, but not limited to, data generated from, or related to, the Standardized Testing and Reporting (STAR) Program, the high school exit examination, the English language development test, the Academic Performance Index (API), and adequate yearly progress data and calculations, graduation rates, pupils who dropout of school, and demographics of pupils and teachers.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Chapter 8 (commencing with Section 10800) is
- 2 added to Part 7 of Division 1 of Title 1 of the Education Code, to
- 3 read:

CHAPTER 8. EDUCATION DATA AND INFORMATION ACT OF 2008

10800. This chapter shall be known and may be cited as the Education Data and Information Act of 2008.

10801. It is the intent of the Legislature that:

~~(a) The that the~~ design and implementation of a high-quality, comprehensive, and longitudinal education data system for California will do the following:

~~(1)~~

(a) Support a system of continuous learning by delivering timely, reliable, user-friendly, and relevant information to schoolsite and district leaders, county offices of education, higher education leaders, teachers and faculty, education program providers, policymakers, researchers, parents, pupils, and the public at large.

~~(2)~~

(b) Provide educators and parents with the tools, reports, and assistance needed to inform instruction and learning.

~~(3) Integrate education data from disparate sources, including prekindergarten, kindergarten, grades 1 to 12, inclusive, and the higher education systems, adding information from prekindergarten education systems when that data is available.~~

(c) Integrate data from disparate sources.

~~(4)~~

(d) Anticipate and provide the technological capacity for the ~~integration~~ sharing of noneducation data from other state sources such as health, welfare, juvenile justice, corrections, and employment agencies, the analysis of which is necessary to fully understand critical education policy and education finance questions.

~~(b) The State of California will have a longitudinally linked and fully operational prekindergarten through higher education data system architecture in place by January 1, 2012, including the universal use of the statewide pupil identifiers, which is a precondition for the system.~~

10802. (a) The department shall establish a process by which local educational agencies issue, maintain, and report information using the unique statewide pupil identifiers specified in paragraph (3) of subdivision (e) of Section 60900 for state and federally funded ~~child development and education~~ center-based child care and development programs under their purview. *The department*

1 *shall not require center-based child care and development*  
2 *programs to implement or maintain unique pupil identifiers*  
3 *specified in paragraph (3) of subdivision (e) of Section 60900 until*  
4 *an appropriation for this purpose is provided in the annual Budget*  
5 *Act or another statute.*

6 10803. (a) *The Chancellor's Office of the California*  
7 *Community Colleges, the University of California, and the*  
8 *California State University shall each establish a process by which*  
9 *colleges and universities within those systems issue, maintain, and*  
10 *report information using the unique statewide pupil identifiers*  
11 *specified in paragraph (3) of subdivision (e) of Section 60900.*

12 (b) *Annually, on or before April 1, the Chancellor's Office of*  
13 *the California Community Colleges, the University of California,*  
14 *and the California State University shall provide a progress report*  
15 *to the Governor and the appropriate policy and fiscal committees*  
16 *of the Legislature. The report shall include a detailed timeline for*  
17 *the implementation, maintenance, and use of the unique statewide*  
18 *pupil identifiers pursuant to subdivision (a).*

19 ~~(b) The Chancellor's Office of the California Community~~  
20 ~~Colleges, the University of California, and the California State~~  
21 ~~University shall maintain the statewide pupil identifiers specified~~  
22 ~~in paragraph (3) of subdivision (e) of Section 60900 for purposes~~  
23 ~~of connecting the longitudinal records of pupils enrolled in the~~  
24 ~~colleges and universities within those systems.~~

25 ~~(c) The department, the Chancellor's Office of the California~~  
26 ~~Community Colleges, the University of California, and the~~  
27 ~~California State University shall each develop and maintain a~~  
28 ~~three-year plan for the implementation, maintenance, and use of~~  
29 ~~the identifiers. Annually, on or before April 1, each segment shall~~  
30 ~~provide a progress report to the Legislature.~~

31 ~~10803. (a) The Legislative Analyst's Office shall convene a~~  
32 ~~staff working group that includes bipartisan representation from~~  
33 ~~both houses of the Legislature, and representation from the~~  
34 ~~administration, the Superintendent, the Chancellor's Office of the~~  
35 ~~California Community Colleges, the University of California, and~~  
36 ~~the California State University.~~

37 ~~(b) The working group shall make recommendations related to~~  
38 ~~the governance of education data, including, but not limited to,~~  
39 ~~the organizational structure of the governing entity, its relationship~~  
40 ~~to other agencies, the scope of its authority and responsibilities,~~

1 methods for holding the governing entity accountable, and methods  
2 for ensuring that the work of the governing entity primarily serves  
3 the purposes of continuous educational improvement at the same  
4 time as ensuring the privacy of data under its charge.

5 ~~(e) The Legislative Analyst's Office shall coordinate the efforts~~  
6 ~~of this working group with those of any other working group~~  
7 ~~convened pursuant to law for the purpose of examining privacy~~  
8 ~~issues related to pupil record information.~~

9 ~~(d) The Legislative Analyst's Office shall report the~~  
10 ~~recommendations of the working group convened pursuant to this~~  
11 ~~section to the Legislature by June 1, 2009.~~

12 10804. (a) The State Chief Information Officer appointed  
13 pursuant to Section 11545 of the Government Code shall convene  
14 ~~a group representing the Superintendent, the Chancellor's Office~~  
15 *a working group representing, at a minimum, the Superintendent,*  
16 *the Chancellor* of the California Community Colleges, the  
17 University of California, the California State University, *and* any  
18 other governmental entities that collect ~~or report, report, or use~~  
19 individual pupil education data that would become part of the  
20 comprehensive education data ~~system~~ system. *The State Chief*  
21 *Information Officer shall form an advisory committee to the*  
22 *working group that includes school and district administrators,*  
23 *teachers and faculty, education program providers, policymakers,*  
24 *researchers, parents, and pupils.*

25 (b) The *working* group convened pursuant to this section shall  
26 create a strategic plan that provides an overall structural design  
27 for the education data system, ~~for including examining current~~  
28 *state education data systems and* the interdepartmental data  
29 protocols and procedures that would be necessary ~~for this system,~~  
30 *and to link data from all education segments and that provides* for  
31 specific procedures and policies that would be necessary to ensure  
32 the privacy of pupil record information so as to meet both federal  
33 requirements and the higher expectations of privacy held by the  
34 state.

35 ~~(e) The strategic plan shall do all of the following:~~

36 ~~(1) Examine the design, implementation, and use of the~~  
37 ~~comprehensive longitudinal education data system that will link~~  
38 ~~data from prekindergarten through university education for the~~  
39 ~~purpose of creating a culture of continuous learning at the state~~  
40 ~~and local level.~~

1     ~~(2) Examine~~

2     ~~(c) The strategic plan shall examine~~ the protocols and  
3 procedures to be used by state agencies in data processing,  
4 including, but not limited to, collecting, storing, manipulating,  
5 sharing, retrieving, and releasing data so as to enable each state  
6 agency to accurately and efficiently collect and share data with  
7 the other state agencies.

8     ~~(3) Examine the procedures and policies that would be necessary~~  
9 ~~to ensure the privacy of pupil record information.~~

10    ~~(4) Draw on previous reports and recommendations related to~~  
11 ~~improving the education data of the state, including, but not limited~~  
12 ~~to, the recommendations reported by the Legislative Analyst's~~  
13 ~~Office pursuant to Section 10803. Previous reports and~~  
14 ~~recommendations shall be used to frame and guide discussion~~  
15 ~~during the development of the strategic plan.~~

16    ~~(5) Anticipate and provide the technological capacity for the~~  
17 ~~integration of noneducation data from other state sources such as~~  
18 ~~health, welfare, juvenile justice, corrections, and employment~~  
19 ~~agencies, the analysis of which is necessary to fully understand~~  
20 ~~critical education policy and education finance questions.~~

21    ~~(6) Be~~

22    ~~(d) The strategic plan shall be delivered by the State Chief~~  
23 ~~Information Officer to the Legislature and the Governor on or~~  
24 ~~before September 1, 2009.~~

25    ~~(d) By January 1, 2010, the State Chief Information Officer~~  
26 ~~shall complete a feasibility study report analyzing the feasibility~~  
27 ~~of, and mechanisms for, developing the system architecture for a~~  
28 ~~comprehensive, longitudinal state education data system linking~~  
29 ~~data from prekindergarten through university education. The~~  
30 ~~feasibility study report shall be informed by the strategic plan~~  
31 ~~developed pursuant to this section.~~

32    10805. In meeting the requirements of this chapter, state  
33 agencies, local educational agencies, and the officers and  
34 appointees of those agencies shall consider and comply with state  
35 and federal privacy law, and ensure that the highest, appropriate  
36 security protections are in place in order to provide the maximum  
37 protection of privacy.

38    10806. (a) Notwithstanding any other law, the Commission  
39 on Teacher Credentialing, the state board, and the department  
40 annually shall provide to the State Chief Information Officer the

1 individual nonpersonally identifiable or aggregate data related  
2 to teacher distribution, educator credential status, pupil assessment  
3 and accountability, or other pupil academic and achievement data,  
4 including, but not limited to, data generated from, or related to,  
5 the Standardized Testing and Reporting (STAR) Program, the high  
6 school exit examination, the English language development test,  
7 the Academic Performance Index (API), and adequate yearly  
8 progress data and calculations, graduation rates, pupils who  
9 dropout of school, and demographics of pupils and teachers.

10 (b) The data provided pursuant to the section shall be provided  
11 as follows:

12 (1) In a format that is agreeable to all parties.

13 (2) In a timely manner, according to a schedule agreed upon  
14 by all parties.

15 (3) At no cost to the State Chief Information Officer.

16 (c) The State Chief Information Officer may release the  
17 information provided pursuant to subdivision (a) in a single  
18 location that is accessible to the public.

19 (d) The State Chief Information Officer shall ensure that the  
20 use of this data is in compliance with applicable state and federal  
21 privacy laws.

22 10807. In meeting the requirements of this chapter, state  
23 agencies, local educational agencies, and the officers and  
24 appointees of those agencies shall consider and comply with state  
25 and federal privacy law and ensure the highest, appropriate  
26 security protections are in place in order to provide the maximum  
27 protection of privacy.

28 SEC. 2. (a) It is the intent of the Legislature to convene a staff  
29 working group that includes bipartisan representation from the  
30 Assembly and Senate, and representation from the Governor's  
31 office, the Legislative Analyst's Office, the Superintendent, the  
32 Chancellor's Office of the California Community Colleges, the  
33 University of California, and the California State University, to  
34 make recommendations relating to the governance of education  
35 data that includes, but is not limited to, the following:

36 (1) The organizational structure of the governing entity.

37 (2) The governing entity's relationship to other agencies.

38 (3) The scope of the governing entity's authority and  
39 responsibilities.

40 (4) Methods for holding the governing entity accountable.

1     (5) *Methods for ensuring that the work of the governing entity*  
2     *primarily serves the purposes of continuous educational*  
3     *improvement as well as ensuring the privacy of data under its*  
4     *control.*

5     (b) *It is the intent of the Legislature that the staff working group*  
6     *consult with other governmental entities and education*  
7     *representatives, including, but not limited to, school and district*  
8     *administrators, teachers, faculty, education program providers,*  
9     *policymakers, researchers, parents, and pupils.*

10    SEC. 3. *This act shall apply to the University of California*  
11    *only if the Regents of the University of California, by resolution,*  
12    *make it applicable.*